

September 4, 2002

Filed Electronically

EX PARTE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: In the Matter of Qwest Communications International, Inc. Consolidated Application for Authority to Provide In-Region, InterLATA Services in Colorado, Idaho, Iowa, Nebraska and North Dakota (Qwest I) Docket No. 02-148

In the Matter of Qwest Communications International, Inc. Consolidated Application for Authority to Provide In-Region, InterLATA Services in Montana, Utah, Washington, and Wyoming (Qwest II) Docket No. 02-189

Dear Ms. Dortch:

Eschelon Telecom, Inc. ("Eschelon") submits these written Ex Parte Comments regarding the applications of Qwest Communications International, Inc. ("Qwest") for authorization under Section 271 of the Communications Act. Eschelon addresses two important issues: (1) service affecting troubles not reported in Qwest data (which are not limited to service order errors); and (2) the affect of including lines provisioned as resale in PID data for UNE-P.

A. SERVICE AFFECTING TROUBLES NOT REPORTED IN QWEST DATA: SERVICE ORDER ERRORS, WHILE SIGNIFICANT, ARE ONLY PART OF THE PROBLEM.

Eschelon has described the problems faced by CLEC end-user customers as a result of service affecting errors not reflected in Qwest's data.¹ The damage to CLECs goes beyond each transaction in which an end-user's service is affected and harms the

¹ See, e.g., Ex Parte Comments of Eschelon Telecom, Inc. In Opposition to the Consolidated Application of Qwest Communications, *In the Matter of Qwest Communications International, Inc. Consolidated Application for Authority to Provide In-Region, InterLATA Services in Colorado, Idaho, Iowa, Nebraska and North Dakota* (Qwest I) FCC, Docket No. 02-148 (Aug. 15, 2002) (Eschelon's Ex Parte Comments). References to Exhibits refer to the Exhibits to Eschelon's comments and ex parte comments in Qwest I (all of which are incorporated by reference in Qwest II). Additional cites may be included to the Exhibit numbers from the July 30-31, 2002, Arizona 271 workshop as well.

CLEC's reputation and ability to compete. Eschelon's commercial experience is very different from the performance results reported by Qwest. Although Eschelon has not been involved in numerous discussions of the PID data that have occurred since November of 2000, Eschelon has attempted to identify reasons why actual commercial experience varies from Qwest's reported data. In response to Qwest's claims, Eschelon will attempt to clarify those reasons. To Eschelon's knowledge, there are no differences in Qwest's processes as to these issues that would lead to a different result in Colorado, Idaho, Iowa, Nebraska, North Dakota, Montana, Utah, Washington, Wyoming, Arizona, or any other Qwest state.² The data omissions discussed here will be the same across states.

The bottom line is that Qwest has used semantics and a limited interpretation of the PID definition to avoid the logical and proper application of the PID in a manner that would accurately reflect the end-user customer's experience. Although Qwest is quick to assert that issues should be dealt with through CMP or long-term PID administration, CLECs should not have to incur further delay in obtaining relief when Qwest should have been reporting needed data all along. If it had done so, the end user customer should have seen improvement by now. Eschelon's foremost concern is the experience of the end-user customer. Eschelon cannot compete if it cannot deliver a quality transition when a customer decides to switch to a competitive carrier. The focus of this entire inquiry should remain on that end user customer's experience. Qwest should not receive 271 approval until the end-user customer's experience improves and that improvement is documented and verified.

1. Qwest Escalation Trouble Reports are Not Reported in the Data.

Qwest admits that, after months of providing allegedly exhaustive data for testing, it is only now beginning to provide "new data" that is "based on customer calls reporting **service order accuracy** problems **to Qwest's service delivery centers** within the reporting month of order completion." See Qwest II August 26, 2002, Reply, p. 26 (emphasis added).³ Qwest suggests that its brief experience in capturing this "new data" shows that the impact of the data is minor. See *id.* The situation is not new, and the impact on CLECs and their customers is not minor. Qwest limits its description of the service delivery center (*i.e.*, escalation ticket via ISC or CSIE) omission to service order accuracy errors. See *id.* Although service order and manual handling errors are significant factors, the problem is even broader and includes omission of other service impacting problems that occur on or near the due date. This is a significant omission. Approximately **half** of Eschelon's troubles within 30 days of installation are reported through the escalation ticket process (as opposed to the trouble desk). Although Qwest denies a problem and

² For example, the Qwest PCAT language cited below, which directs CLECs to submit trouble reports through the service delivery centers, applies to all Qwest states.

³ Reply Comments of Qwest Communications International Inc. In Support of Consolidated Application, *In the Matter of Qwest Communications International, Inc. Consolidated Application for Authority to Provide In-Region, InterLATA Services in Montana, Utah, Washington, and Wyoming* (Qwest II) FCC Docket No. 02-189 ("Qwest II August 26, 2002, Reply").

attempts to suggest that there must be problems with Eschelon's data, this omission certainly seems to go a long ways toward explaining why Qwest's data has not reflected the customer affecting problems that Eschelon has long pointed out to Qwest.⁴

For reporting troubles related to new installations, Qwest's process is, and has been for a long time,⁵ that Qwest requires CLECs to call the service delivery centers (*i.e.*, not repair) if the trouble occurs within 72 business hours of the installation. Qwest's documented process states:

“Submitting Trouble Reports

The maintenance and repair process begins with the discovery that a service is not functioning properly. This can occur when your end-user realizes they are experiencing poor sound quality, no dial tone or another trouble condition with their telephone service and contacts your customer service organization for assistance or, utilizing your own network testing, monitoring and surveillance tools, you discover a trouble condition.

- **Recent Service Request Activity**

If your service request was completed within the past 72 business hours contact Qwest's Interconnect Service Center (ISC) at 888-796-9087 for assistance. After researching the issue, the Customer Service Inquiry and Education Center (CSIE) will contact you regarding resolution of your issue.

If your service request was completed more than 72 business hours ago, and you determined the problem is in Qwest's network as described above, submit your trouble report to Qwest in one of two ways.” [describing the two ways to report trouble after 72 business hours as using CEMR or calling Qwest repair.]

⁴ Although Eschelon had some level of participation in early PID discussions, those occurred before Eschelon had much experience ordering UNE-P. As explained in the Affidavit of Lynne Powers (Ex. 4; AZ E-12), when Eschelon started ordering UNE-P, the problems were so extensive that Eschelon had to stop ordering it. Those problems and the related commercial experience would have provided insight into additional development of the PIDs and PAPs. But, after an agreement with Qwest, Eschelon was absent from the 271 proceedings while these issues were addressed. The workshops were for the most part over, and the PIDs developed, by the time Eschelon could again participate in 271 proceedings. Eschelon recently participated in a two-day 271 workshop in Arizona, where Eschelon heard information about the PIDs and saw even more clearly that Qwest is not including this data. Of course, Qwest has been aware of the issues during this entire time period. Qwest is familiar with its own process requiring use of the escalation process for trouble reports. Also, Eschelon has provided monthly performance Report Cards to Qwest since January of 2001 that have highlighted the service affecting problems and, in particular, the substantial problems related to OP-5 (Eschelon's E-3 on its Report Card). See Exhibits 8-9 (AZ E-5 to E-8).

⁵ When Eschelon complained that Qwest was not following aspects of this process in CMP Change Request #PC120301-5, Qwest told Eschelon that non-compliance was an “isolated incident.” See <http://www.qwest.com/wholesale/cmp/changerequest.html>.

See Qwest's PCAT.⁶

Despite this document process for "Submitting Trouble Reports" within 72 business hours, Qwest omits troubles reported through the service delivery center (*i.e.*, **escalation** tickets) because Qwest has chosen to limit OP-5 "to capture only situations in which **trouble** tickets are issued." See Qwest II August 26, 2002, Reply, p. 25 (emphasis added).⁷ Qwest argues that, because it does not issue a trouble ticket in certain situations, it need not count those problems as reported troubles. See *id.* Qwest neglects to mention that in many of these situations, although a trouble ticket is not issued, it **does** issue an escalation ticket.⁸ Semantics aside, both trouble and escalation tickets reflect established methods of reporting trouble. The description for OP-5 specifically requires Qwest to include "**All** trouble reports (for both out-of-service and **service affecting** conditions)." See PID Description OP-5 (emphasis added). Eschelon has been complaining that Qwest's processes create service affecting problems since the spring of 2000, and those problems remain today. See Ex. 7 (AZ E-1). If trouble is reported immediately, something went wrong that increases the likelihood that the end user customer will view the transition to a CLEC as a bad experience. OP-5 is supposed to be measuring this very problem.

By not capturing an entire category of problems that are so serious that they prompt the customer to call the service centers to escalate troubles for resolution immediately, Qwest is omitting perhaps the single most important information needed to analyze the experience of the end user customer when switching carriers on an Off-Net basis.⁹ That experience is at the heart of 271 compliance. Yet, these immediate, pressing trouble reports have not been captured in the data upon which Qwest has claimed 271 compliance. To those without commercial experience in Qwest territory, Qwest's claims may read as though "customer calls reporting service order accuracy problems to Qwest's service delivery centers" are rare occurrences. See Qwest II August 26, 2002, Reply, p. 26. Nowhere in its Reply does Qwest make the connection that – far from a rare situation – calling the service delivery centers is Qwest's required, documented process for reporting troubles during the time period when serious, service affecting troubles are most likely: the first 72 business hours after installation. By not making this connection, the problem is obscured.

⁶ See <http://www.qwest.com/wholesale/clecs/maintenance.html>.

⁷ According to the Liberty Consulting Group Qwest Performance Measure Release Report for OP-5 (page 3), Qwest uses WFAC repair data in the numerator and RSOR data in the denominator. To Eschelon's knowledge, neither WFAC nor RSOR contains escalation trouble reports.

⁸ In Eschelon's experience, escalation tickets seldom also result in trouble tickets for the same issue before resolution. If trouble tickets are related to an escalation ticket, they should refer to the related escalation ticket. Eschelon finds little or no reference to escalation tickets in Qwest trouble ticket information.

⁹ Eschelon has its own switches for providing voice service. When using its switches to serve its customers, Eschelon orders collocation, loops, *etc.*, from Qwest. In some cases (particularly when a customer is outside of the area served by Eschelon's switch), Eschelon also orders UNE-E, UNE-P, or resale from Qwest to serve customers. Eschelon often refers to customers and lines served through Eschelon's own switching facilities as "On-Net" or "On-Switch" and customers and lines served through UNE-E, UNE-P, or resale as "Off-Net."

Similarly, Qwest suggests that the scenarios not being addressed by Qwest's limited application of OP-5 are "limited." *See* AZ Tr. Vol. I, p. 74, ln 15 (Ex. 10). Qwest has described the problem, for example, as follows:

"There is limited scenarios where, because a line or a feature is completely omitted from an order, that once that service isn't working, a trouble ticket can fix that. So if a feature has been completely left off an order, not misrepresented, but completely omitted, at the time either a retail or a wholesale customer is reporting trouble, from a maintenance standpoint, that feature isn't not working, it doesn't exist on the customer's record. And both our retail and our wholesale customers are turned back to the marketing department, the interconnect service center in the case of wholesale, to get an order issued to actually go in and provision the service. That scenario does not get captured currently in our OP-5 measure."

Id. p. 72, ln 15 – p. 74, ln 4 (Chris Viveros of Qwest). As with the statements in Qwest's Reply, this testimony suggests only minimal involvement of the service delivery centers.¹⁰ Qwest does not point out that it is describing situations that occur after the first 72 business hours after installation. Because Qwest describes limited scenarios without explaining that the standard trouble reporting process is to call the service delivery centers to open an escalation ticket within 72 business hours of installation, an impression is created that the omissions in the data are minor when they are, in fact, significant. A tester or party without commercial experience in using the escalation ticket process may not catch this distinction, but Eschelon deals regularly with the customer affecting problems that customers notice immediately but are not captured. Eschelon has been bringing these customer affecting problems to Qwest's attention for some time.

Put simply, Qwest requires CLECs to report troubles within 72 business hours of installation through the Escalation ticket process (using the service delivery centers), but at the same time applies OP-5 to trouble tickets reported in repair without counting these escalation tickets. By making the semantic distinctions leading to this result, Qwest has effectively precluded the most common category of serious customer affecting troubles from measurement.

¹⁰ Moreover, the process described by Mr. Viveros is not the documented Qwest process. Qwest does not "turn back" customers to the interconnect center. Qwest repair is supposed to contact interconnect to have the service order issued in those situations, even when this process applies (which is not in the first 72 business hours). *See* Qwest Response to CR #PC101001-1, in which Qwest states: "When a CLEC calls the Repair Center to report trouble on their end users service, the Repair Center will issue a repair ticket and forward the ticket to the appropriate screening group. If the screening group determines the problem needs to be resolved with a service order, the screener will refer the problem to the Interconnect Service Center (ISC). The ISC will initiate the subsequent order resulting from a Qwest error on the LSR or will contact the CLEC on errors resulting from a CLEC error on the LSR."

a. Semantic distinctions without a difference.

OP-5 does not use the terms “trouble ticket” or “repair.” There is no basis in the language for limiting reported troubles to trouble tickets issued by the Qwest repair desk, as suggested by Qwest. *See* Qwest II August 26, 2002, Reply, p. 25. As discussed below, there are also policy reasons for not limiting OP-5 in this manner. Before the service order completes (a period which is included in OP-5B), escalation tickets are the **only** tickets that Qwest will issue for virtually all reported troubles. Therefore, Qwest needs to capture the escalation, as well as trouble, tickets.¹¹ Both are “trouble reports” within the meaning of OP-5. (Both OP-5A and OP-5B use the term “trouble reports.”)¹² In fact, Qwest itself identifies the escalation ticket process (“Recent Service Request Activity”) as part of the process for “Submitting **Trouble Reports**” on its website. (*See* PCAT, quoted above; emphasis added.) Particularly because Qwest directs CLECs to use the escalation process through the service delivery centers to submit “trouble reports,” Qwest should have been including all of the escalation tickets in the “trouble reports” in the data counted for this measure and provided to the testers.

b. Qwest requires use of escalation ticket process in first 72 hours, but does not provide information to validate and track troubles.

Although Qwest’s documented process requires CLECs to report troubles by calling the service delivery centers to open escalation tickets within 72 business, Qwest does not provide to CLECs information sufficient to validate these escalation tickets and any associated charges. Eschelon has reviewed Qwest histories in the Qwest Non Design DLETH to attempt to locate known escalation histories, but the Qwest Non Design DLETH customer histories show no indication of troubles reported through the documented escalation trouble report process. Orders that have experienced significant service affecting troubles in the first days show no trouble history at all in Qwest’s Non Design DLETH customer histories. If Eschelon did not record its own histories of escalated troubles, it would not be able to track these troubles at all, much less verify them with Qwest. This is true even though Eschelon used Qwest’s established process to report the troubles.

As indicated, this is a significant omission. Approximately **half** of Eschelon’s troubles within 30 days of installation are reported through the escalation ticket process. In some cases, Eschelon must open more than one escalation ticket to report troubles on the same order because more than one error occurred and the service delivery center corrects one problem but not others. Qwest is not capturing these reported troubles.

¹¹ Additionally, it appears that Qwest is including the order completions when counting number of orders while omitting the related escalation tickets which reflect trouble reports.

¹² The exclusion to OP-5 for troubles received on day of installation before the provisioning order is closed as complete is expressly limited to “OP-5A.” Therefore, there is no such exclusion with respect to OP-5B. Since inception of OP-5, Qwest should have been providing for OP-5B troubles received on the day of installation before the provisioning order is closed as complete, regardless of whether those reports were submitted through the repair desk or per the process through the service delivery centers.

Although Qwest claims that the omissions in its data are insignificant, a doubling effect on the number of trouble reports within the reporting period is very significant.

Eschelon has been including service affecting troubles in its performance measure for Qwest's new service installation quality. Qwest has had this data available to it on a monthly basis since January of 2001 and could have identified these issues earlier. For Off-Net orders, Qwest's performance was above 60% only once in a recent 6-month period. *See* Ex. 9 (AZ E-7). From December of 2001 through May of 2002, Qwest's performance for new service installation quality for Off-Net orders averaged 49.3%, and the trend is downward. *See id.* This means that, **more than 50% of the time**, these customers experienced service affecting troubles within 30 days of installation. As this figure (which is much larger than that reported by Qwest) shows, including "all" troubles that are "service affecting" in this measure makes a significant difference. Doing so, however, is required by the plain language of OP-5. Qwest's retail customers do not regularly experience more than 50% of orders having troubles within 30 days of installation,¹³ and Qwest's wholesale customers should not be subjected to this experience either. This discriminatory situation needs to be corrected before Qwest is allowed to enter the in-region, interLATA market.

c. Commercial experience assists in identifying pressing service affecting issues.

Qwest argues that its processes have been fully tested. Without the benefit of commercial experience (such as that of carriers who were absent for most of the process, such as Eschelon and McLeod), a pseudo-CLEC or other such party reviewing the data would not necessarily identify the same experiences.¹⁴ For example, a pseudo-CLEC may observe that an order never completes or that an order completes but the work itself was not actually done (such as when an RCMAC error is cleared instead of being corrected). While it may seem that the test captured the issue because an error was noticed, the magnitude of the problem is not captured. In a simulated environment, although the problem may occur, it is not accompanied by a real end-user customer calling to complain and demand immediate resolution. The fact that the order was not completed may be noted but not resolved. A live customer is not going to wait until the mystery is solved. The customer will immediately call the CLEC to complain. When that happens, another set of activities is triggered, such as the escalation ticket process when the complaint is received in the first 72 business hours. Even when a "friendly" is used to simulate the actual end-user customer experience, generally this involves use of additional lines or other non-critical services. A simulated setting is very different from a real business customer calling to complain that it is losing thousands of dollars in business because its customers cannot reach the business by telephone due to trouble with a conversion. Because Eschelon deals with these live, critical issues, it has been tracking

¹³ AZ Tr. Vol. I, p. 51, lns 3-7 (Ex. 10).

¹⁴ Parties without commercial experience in these areas must rely on the information and explanations provided to them. As discussed in Section 1, semantics may obscure issues, and some differences may not seem meaningful without the benefit of commercial experience to clarify their meaning.

service affecting issues, including the pressing problems reflected in escalation tickets. Qwest's commercial performance shows that 271 approval at this time would be premature. These are not fine points that can be worked out in long-term PID administration or the CMP. These are serious, end-user customer impacting problems that show the market is not truly open to competition.

d. Qwest should have been including these trouble reports in the data all along.

Qwest should not be rewarded with 271 approval for having failed to count data that is required on the face of a PID definition that has been in place for a long time. Although Qwest is quick to assert that issues should be dealt with through CMP or long-term PID administration,¹⁵ CLECs should not have to incur further delay in obtaining relief when Qwest should have been reporting needed data all along. PO-5B expressly includes "trouble reports reported by the CLEC on or after the day the order is installed and prior to the completion of the order in Qwest's service order processor." Qwest knows full well that, before completion of the order in its service order processor, Qwest requires escalation tickets and not trouble tickets, per its process for "Submitting Trouble Reports." Qwest has nonetheless elected to provide trouble and not all escalation tickets for OP-5 – to the exclusion of some of the most serious problems affecting end user customers.

This is not the only measure for which this is the case. For example, a Liberty Consulting Report and associated comments by AT&T state:

"Subsequent to Liberty's audit of OP-17A (and OP-17B) and its data tracking work, Qwest made changes to its methods to derive the new OP-17 measures. Reportedly, Qwest has begun to include a new data set in results reported for OP-17 beginning with June 2002. Specifically, Qwest now captures data for and includes in the measure those situations in which a disconnect-in-error is resolved *via a call to Qwest's escalation call center*. As noted above, *previously Qwest only included cases in which the trouble desk opened a trouble report upon customer request*. Liberty did not audit this new method, but recommends that Qwest make the appropriate modifications to its business requirements and system documentation to reflect these changes, and that it propose any changes to the PID as necessary. [AT&T Comment – As AT&T has previously commented on, Qwest's process for accounting for OP-17 misses was not compliant with any version of the OP-17 PID. What Liberty ironically characterizes as a "new method" of capturing OP-17 data looks more like what Qwest should have been doing all along. Unfortunately, Liberty's failure to identify Qwest's many instances of PID non-compliant tracking of misses in an observation or exception resulted in the ill-founded conclusion that Qwest's "new method" need not be

¹⁵ For the reasons discussed here and in Eschelon's previous Ex Parte Comments, the new measures Qwest is proposing are not going to capture the problem adequately. See Eschelon Ex Parte Comments, pp. 9-10.

audited by Liberty. For all the aforementioned reasons, AT&T requests that Liberty audit the OP-17 performance measurement to determine if Qwest's latest version is any closer to being PID-compliant.]"

See Audit report issued by Liberty Consulting regarding LNP-related Performance Indicator Definitions ("PIDs") OP-17 (A & B) and MR-11 (Aug. 19, 2002) (with comments of AT&T to the Report indicated with underlining) (emphasis added).

AT&T's recent experience validates Eschelon's conclusion that Qwest has not been reporting escalation tickets in its data, even though it requires CLECs to use the escalation process (and not the trouble desk) to report such troubles. With respect to its situation, AT&T argued: "Because this data relates to serious problems that AT&T and its customers have experienced in having service disconnected during the conversion of the end-user customer from Qwest to AT&T, it is critical that Qwest's performance under these PIDs is accurately and properly measured before this Commission reaches any conclusion regarding Qwest's compliance with Checklist Item 11."¹⁶ Eschelon agrees that service affecting issues must be accurately and properly measured and tested before Qwest is granted 271 approval.

2. Service Affecting Translation Errors and Omissions Not Captured in Data.

Qwest admits that, when a CLEC reports a problem with a line or feature "not indicated on the order," Qwest does not issue a trouble ticket and Qwest has not been capturing this data. See Qwest II August 26, 2002, Reply, pp. 25-26. Qwest claims, for example, that: "[I]f the corrective action for this issue such as a feature is to issue an order, not a trouble ticket, then OP-5 was never defined to capture that." See AZ Tr. Vol. I, p. 62, lns 18-21 (Qwest I Eschelon Ex. 10). As discussed, if the corrective action was prompted by a trouble report (including via escalations), OP-5 was designed to capture the issue. Moreover, service order errors are not the only errors not being captured in the data for these types of problems (line and feature issues, and in some cases, complete outages). Even when the CLEC LSR and the Qwest service order contain the same information (*i.e.*, no service order error), a line or feature error may occur in the Qwest translation, resulting in a service affecting condition. In these cases, Qwest takes corrective actions (such as contacting RCMAC directly) without issuing a trouble ticket. Because Qwest has suggested that it is tracking only trouble tickets, *see id.*, it does not appear to be capturing these errors. These errors, however, result in service affecting problems ranging from feature issues to complete loss of dial tone. Even feature problems can be as significant of a problem for customers as a loss of dial tone. If hunting is missing from the main line, for example, a business will be able to receive only one call at a time, and other customers calling the business will receive a busy signal.

¹⁶ AT&T's Response to Qwest Corporation's Motion to Supplement the Record, *In the Matter of a Commission Investigation Into Qwest's Compliance with Sec. 271(c)(2)(B) of the Telecommunications Act of 1996; Checklist Items 1, 2, 4, 5, 6, 11, 13 and 14*, Minnesota Docket No. P-421/CI-01-1371, p. 2 (Sept. 3, 2002).

Even worse for many businesses, if the call forwarding/don't answer feature is missing or not working properly, customers of the business will not even get a busy signal; the line will ring with no answer. This makes the business look very bad, as though no one is working during business hours. If a feature that is significant to a customer is missing or does not work properly when that customer switches to a CLEC, the customer will view the transition to a competitive carrier as an adverse experience. These errors are not related to errors in the writing of the service orders, but they appear to be errors that Qwest is not reporting in its data. The order will be counted as a completed order with no indication that a trouble was reported.

3. Service Affecting Troubles that Require Qwest to Tag Cable Pairs at Demarcation do Not Appear to be Captured in the Data.

Another type of trouble resolution that does not appear to be captured in the Qwest data are troubles that require a Qwest dispatch to "tag," or identify, cable pairs at the demarcation point for new lines. Requests for a pair to be tagged occur at the time of installation when a field service technician for the customer is trying to connect service at the demarcation point. Many of these trouble reports indicate defective cable pairs or missing jumpers on the Qwest distribution frame. Qwest usually issues a trouble (CEMR) ticket for these reports, but Qwest codes them as a customer issue. Therefore, they are not included as troubles when they should be. The Qwest records also identify that the reports may also generate an erroneous time and material bill from Qwest.

4. Recently Provided Data Confirm That Manual Handling Clearly Results in a High Degree of Customer Affecting Service Order Errors.

Although Qwest service order errors are not the only service affecting problems that have been omitted from Qwest's data, they are a significant problem. Qwest claims, however, that its service orders are virtually error free. *See* Qwest II August 26, 2002, Reply, p. 26. Data that have only recently become available to CLECs, however, show that this is not the case. Qwest has recently started to provide a Pending Service Order Notification ("PSON") to CLECs about an hour after the FOC (also known as LSRC) is received. The PSON provides service order detail (information from the Service and Equipment ("S & E") section of the Qwest service order) to requesting CLECs. Although extremely resource-intensive to do so, a CLEC can now compare the information in the PSON to the order confirmations (which show the information from the LSRs). A CLEC may compare them, for example, to confirm whether the same USOCs that are on the LSR are also on the Qwest service order. In doing so, a CLEC may identify and attempt to get Qwest to correct service order errors before the due date. Qwest began providing the PSONs to CLECs as part of Release 10.1 approximately two weeks ago. Eschelon does not have the resources to review all of the data, nor should it be Eschelon's burden to perform Qwest quality control. Eschelon has, however, compared new Off-Net orders with the PSONs to attempt to determine the extent of the

service order error problem. In addition, Eschelon plans to expand this effort to review every PSON, despite the resource strain, due to the significance of this issue.

The results already confirm that the manual handling of service orders is resulting in unacceptable levels of customer affecting errors. Eschelon has reviewed every LSR Off Net conversion order for which it has received a PSON since Qwest began providing them (August 26, 2002 through September 3, 2002). For this category of orders to date, ***40% of the service orders manually typed by Qwest had service affecting errors.*** (There were also errors that were not customer impacting but did affect billing, which were not included in this percentage.)¹⁷ This is a high rate of error and, as discussed previously, these errors have not been captured in Qwest's data. Now, as Eschelon and other CLECs use the PSON data to identify errors before the due date, even fewer of these errors may be captured in the data. Qwest's performance will appear to improve when, in reality, CLECs are bearing the expense and burden of identifying and working to correct Qwest errors. Although Qwest should correct the underlying problem to avoid this situation, as long as CLECs need to rely on the PSONs, a measure should be developed and tested to capture these errors and to relate them to a performance assurance plan.

Eschelon must point out that it was reluctant to request the PSONs because the effect is to shift the burden that should be on Qwest to accurately process service orders to Eschelon to expend resources comparing LSRs and PSONs using a manual, resource-intensive process. It had to be done, however, to attempt to reduce the frequency of service affecting problems on the due date resulting from Qwest service order writing errors. Eschelon is not the only CLEC to identify this issue. At least two other CLECs made a similar request.¹⁸ The fact that Eschelon would make this request and devote substantial resources to this effort shows the magnitude of the service affecting problems caused by Qwest service order writing errors and the genuineness of Eschelon's desire to avoid these problems. Eschelon's foremost concern is the experience of the end-user customer. The focus of this entire inquiry should remain on that experience. Qwest should not receive 271 approval until the end-user customer's experience improves and that improvement is documented and verified.

¹⁷ The relevant statistic, for determining the impact of manual handling on error rates, is the percentage of manually typed orders with errors. This is particularly true with Qwest because of the significant level of manual handling used by Qwest. Even if the percentage of all of the orders (including flow through orders) is used, however, 14% of the total orders in this category had service affecting errors. None of these errors are being captured in the Qwest data. (The FOCs now have an indicator to show whether the order went flow through, so Eschelon is relying on that indicator when presenting these percentages.)

¹⁸ Eschelon made its request in CMP CR #SCR073001-2. McLeod and another CLEC made similar requests in CR #5466535 and #SCR073001-5. Initially, CLECs asked that the S&E information appear on the FOC. Qwest indicated that it could not do so, but that it could provide the information in a separate document (the PSON). Qwest then closed the other CRs and opened its own CR for this issue (CR #25497). Qwest then worked its CR.

B. REPORTING OF UNE-E AND UNE-P

Eschelon previously pointed out that Qwest is already including lines provisioned as resale (UNE-Eschelon, or UNE-E, lines) in its PID data for UNE-P. Qwest claims that it “properly categorized” those lines. *See Williams Commercial Performance Reply Declaration*, p. 45. Qwest’s response fails to address the purpose of reporting and whether the manner in which this information has been reported serves that purpose.

To be useful, a measure should reflect whether a process was actually tested for the indicated volume of orders. The volume of orders that Qwest reports for UNE-P would suggest that UNE-P ordering, provisioning, and billing processes have been tested in those volumes. Qwest chose, however, to include a product that is not ordered, provisioned, or billed in the same manner as UNE-P with its UNE-P lines for reporting purposes. And, it did so retroactively after it made this decision. Qwest has called its product UNE-Star (or, in some cases, UNE-E or UNE-McLeod - UNE-M).¹⁹ Eschelon and McLeod entered into agreements with Qwest in the Fall of 2000 to obtain the new platform product (later referred to as UNE-Star) from Qwest. Both companies, however, **remained on resale** for ordering, provisioning, and billing purposes.²⁰ Qwest answered questions about the applicable processes for UNE-Star as follows:

How will orders be placed by Eschelon? Through existing resale process.
How will Qwest process orders? Through existing resale process.
How will Eschelon be billed? Qwest continues to bill lines, features at Resale rates through existing resale billing process.

*See Exhibit 20 (attached).*²¹ This is still true today.

Although priced differently through a manual true-up process, the lines were ordered, provisioned, and billed as resale. *See id.*²² The use of resale was supposed to be an interim process until Qwest could physically provide the new platform product. *See id.* (describing “long-term” plan to develop processes for “UNE-Star” platform product). Those processes have not been developed, however, and Eschelon continues to order

¹⁹ Generally, the parties have been using UNE-Star, UNE-Eschelon (“UNE-E”), and UNE-McLeod (“UNE-M”) somewhat interchangeably. With respect to Qwest’s system changes relating to “UNE-Star,” however, there is a difference. Qwest has said that those changes (part of Release 9.0, *etc.*) were made as part of an as yet unfinished effort to mechanize UNE-E and UNE-M, so that Qwest will finally provide accurate bills for the product. And, after that mechanization is done, Eschelon and McLeod could order UNE-Star per that process. To the extent that Qwest uses “UNE-Star” to refer to the product related to the system changes in its Release(s), neither Eschelon nor McLeod yet order that product. Both are ordering resale and obtaining a pricing adjustment through a manual true up process. Unfortunately, Qwest’s current proposal for mechanizing UNE-E to allow accurate billing relies heavily on manual handling that could result in service affecting problems during the conversion. Given that Eschelon’s goal all along has been to avoid such problems, the proposal is unattractive and not what Eschelon bargained for.

²⁰ *See AZ Tr. Vol. I, p. 25, ln 21 – p. 26, ln 1 & Vol. II, p. 293, lns 17-24 (Qwest I Eschelon Exs. 10-11).*

²¹ In AZ, this is Ex. 2 to Powers Affidavit (AZ Ex. E-12); *see also* AZ Tr. Vol. II, p.323, lns 1-15 (Qwest I Eschelon Ex. 11).

²² AZ Tr. Vol. II, p. 301, lns 7-9; p. 302, lns7-8 (Qwest I Eschelon Ex. 11).

resale today for this product.²³ The same is true for Qwest's other largest CLEC wholesale customer, McLeod.²⁴ Therefore, the processes in place for this product are the resale processes. Those processes differ from the processes used for UNE-P.

Qwest, however, chose to include the UNE-Star lines, which are ordered as resale, in its UNE-P reporting. In approximately November of 2001, Qwest changed its reporting not only on a going forward basis, but also retroactively to January of 2001 so that months previously reported as business (resale) lines were then reported as UNE-P lines. Qwest did so after a third party Functionality Test evaluation showed a disparity for UNE-P and a lack of commercial volume.²⁵

Qwest points to the interconnection agreement between Eschelon and Qwest as the basis for the reporting change. *See Williams Commercial Performance Reply Declaration ¶ 79.* The interconnection agreement established pricing.²⁶ The purpose of the reporting, however, is to assist in analyzing whether UNE-P can be successfully ordered, provisioned, and billed in commercial volumes. The volumes of UNE-Star lines, which were provisioned as resale, provide no evidence as to this issue.

Although not apparent from Qwest's performance reporting, Eschelon has only recently started to order UNE-P from Qwest using the ordering, provisioning, and billing processes for UNE-P.²⁷ With respect to UNE-Star, for purposes of measuring the

²³ See note 19.

²⁴ See AZ Tr. Vol. II, p. 293, lns 18-19 (Qwest I Eschelon Ex. 11).

²⁵ "The only performance measure disaggregation that resulted in disparity during the Functionality Test that lacked commercial volume for making future determinations was UNE-P. However, **subsequent to the evaluation** the number of UNE-Ps in service has increased from 1000 to over 15,000. This increase provided the commercial volume necessary to make a valid parity determination." DRAFT Final Report of the Qwest OSS Test, Cap Gemini Ernst & Young, Version 1, p. 9 (Dec. 21, 2001) (emphasis added) (available online at <http://www.cc.state.az.us/utility/telecom/Qwest271.HTM>).

²⁶ Nothing on the face of that agreement indicates that the lines will be ordered, provisioned, and billed as resale. After all, both Eschelon and McLeod anticipated that the lack of processes would be a short-term problem. See Exhibit 20. Although Qwest claims that it disclosed the reporting change in Summary Notes, see Williams Commercial Performance Reply Declaration ¶¶ 77-79, readers would not understand, from those Notes, that lines provisioned as resale were being reported in a category designed to measure the different processes used for ordering, provisioning, and billing of UNE-P.

²⁷ Eschelon ordered a small number of UNE-P lines from Qwest in the Spring of 2000, but the problems with the orders were so prohibitive that Eschelon stopped ordering UNE-P. See Affidavit of Lynne Powers (Ex. 4; AZ E-12). Eschelon only started ordering UNE-P from Qwest again in the Spring of this year. In the Spring of 2002, Eschelon also started to migrate a number of its existing UNE-Star lines that were ordered on a resale basis to UNE-P. This migration is being handled on a project basis. Although the migration is much closer to the ordering and provisioning process used for ordinary UNE-P orders than the resale processes used for UNE-Star, the process is still different because of the special, project handling. Because Qwest is hand holding the orders migrating from UNE-Star to UNE-P, any volume for UNE-P that includes the project orders will reflect the higher performance for the hand-held UNE-P migration project orders. Roughly, less than 20% of the UNE-P lines (excluding UNE-Star lines ordered as resale) ordered by Eschelon from March through July of 2002 were new UNE-P orders processed through the regular (non-project) process. The remainder of Eschelon UNE-P orders received special handling as part of the process to migrate lines from UNE-Star to UNE-P.

Ms. Marlene H. Dortch

September 4, 2002

Page 14 of 14

ordering, provisioning, and billing of UNE-P, Qwest did not “properly categorize[] Eschelon’s UNE-Star lines as UNE-P,” as claimed by Qwest. *See Williams Commercial Performance Reply Declaration*, p. 45.

C. CONCLUSION

Eschelon appreciates the opportunity to submit these written Ex Parte Comments. Eschelon is available to answer questions as well.

Sincerely,

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cc: Filed electronically & email distribution